

## REMARKS

The Examiner is thanked for the thorough examination of the present application. The Office Action, however, tentatively rejected all claims 1-33. Applicant respectfully requests reconsideration and withdrawal of the rejections for at least the following reasons.

### ***Response to Rejections under 35 U.S.C. 102***

Claims 1-7, 9-15 and 17-23 stand rejected under U.S.C. 102(b) as allegedly being anticipated by Kaneko et al. (2001/0020230).

A proper rejection of a claim under 35 U.S.C. §102 requires that a single prior art reference disclose each element of the claim. See, e.g., *W.L. Gore & Assoc., Inc. v. Garlock, Inc.*, 721 F.2d 1540, 220 USPQ 303, 313 (Fed. Cir. 1983). Anticipation requires that each and every element of the claimed invention be disclosed in a single prior art reference. See e.g., *In re Paulsen*, 30 F.3d 1475, 31 USPQ 2d 1671 (Fed. Cir. 1994); *In re Spada*, 911 F.2d 705, 15 USPQ 2d 1655 (Fed. Cir. 1990).

Among these rejected claims, claims 1, 9, and 17 are independent. Claims 9 and 17 are rejected on the same basis as claim 1. Therefore, remarks are provided regarding to patentability of the independent claim 1 and claims dependent therefrom.

The Office Action (page 3) states that “classifying the rematched demand data into a plurality of classified demand data records according to at least one attribute of the corresponding products and customers” is disclosed by Kaneko in paragraph [0066], and “the classified demand data having different priorities” is disclosed by Kaneko in paragraph [0097]. Applicant respectfully disagrees.

According to Kaneko (paragraph [0066]), 'if any one of the initially distributed amounts of orders placed is not within the corresponding order receivable range of the product-producing step, the CPU 42 executes a process of adjusting the distribution of the initially distributed amounts of order placement (step S112). ... When the distribution adjusting process routine is executed, the CPU 42 calculates adjustments 1, 2, 3, and calculates profitability indexes obtained by the adjustments 1-3 (step S200-S210). Subsequently, the CPU 42 selects from the adjustments 1-3 an adjustment that achieves the greatest profitability index (step S212), and then ends the routine.'

According to paragraph [0066] of Kaneko, a distribution adjusting process routine is performed for adjusting the distribution of the initially distributed amounts of order placement, and profitability indexes obtained by the adjustments are calculated. According to Kaneko, the 'initially distributed amounts of orders placed' are simply adjusted.

In contrast, claim 1 teaches that the unsatisfied demand data in the first matching operation is classified according to at least one attribute of the corresponding products and customers. In addition, a second matching operation is performed on the classified demand data based on the priorities of the classified demand data.

Specifically, independent claim 1 recites:

1. A computer-implemented method of matching customer demand with a manufacturer supply of products from plurality of factory facilities, comprising using a computer to perform the steps of:
  - inputting demand data for a demand of at least one product requested by at least one customer and supply data corresponding to the production capacity of the factory facilities;
  - performing a first matching operation to match the demand data with the supply data to obtain a first demand-supply matching result;
  - collecting rematched demand data corresponding to a portion of the demand unsatisfied by the first matching operation from the demand

data and collecting rematched supply data corresponding to a portion of the unused capacity in the first matching operation from the supply data; ***classifying the rematched demand data into a plurality of classified demand data records according to at least one attribute of the corresponding products and customers, the classified demand data having different priorities***; and performing a second matching operation to match the classified demand data with the rematched supply data based on the priorities of the classified demand data to obtain a second demand-supply matching result.

(*Emphasis added*). Claim 1 patently defines over the cited art for at least the reason that the cited art fails to disclose the features emphasized above.

Simply stated, the distribution adjusting process routine of Kaneko teaches nothing about classifying unsatisfied demand data of claim 1. In addition, Kaneko teaches nothing about performing a second matching operation on the classified demand data.

In addition, according to Kaneko (paragraph [0097]), 'The main location designation rule is a rule in which the *post-steps are assigned with priorities* as restricting conditions, and orders from the post-steps are processed in the order of descending priorities of the post-steps to supply vehicles or the like to the post-steps.' According to Kaneko, post-steps are assigned with priorities. In contrast, according to claim 1, the classified demand data are assigned with different priorities.

After reading the cited paragraphs of Kaneko, one of ordinary skill would appreciate that the 'distribution adjusting process routine' of Kaneko teaches nothing relevant to the claimed feature of "classifying unsatisfied demand data." Further, the 'post-steps assigned with priorities' teaches nothing about "classified demand data assigned with different priorities," as expressly defined in claim 1.

As described, a proper rejection of a claim under 35 U.S.C. §102 requires that a single prior art reference disclose each element of the claim. Anticipation requires that each and every element of the claimed invention be disclosed in a single prior art reference. Kaneko does not disclose each element of the claim 1. Accordingly, the claim 1 cannot be anticipated by the cited reference, and the rejections of claim 1 should be withdrawn.

On the same basis as claim 1, rejections of claims 9 and 17 should be similarly withdrawn. As claims 2-8, 10-16, and 18-24 depend from either claim 1, claim 9, or claim 17, all outstanding rejections of these claims should be withdrawn for at least the same reasons.

Among the other rejected claims 25-33, claim 25 is independent. Therefore, remarks are provided regarding to patentability of the independent claim 25 and claims depended thereto, respectively. The Office Action (page 14) states that Kaneko teaches the allocation planning module of claim 25, and that Menninger teaches the capacity model and the capacity management module of claim 25. Applicant respectfully disagrees.

More specifically, the Office Action states that the ‘leading to predictive supply chain decisions’ (Menninger, col. 17, lines 50-53) and ‘a first set of data collected from a plurality of stores of the supply chain utilizing a network (Menninger, col. 17, 58-60) disclose the “capacity model having route information for the product, wherein the route information records a plurality of tools” of claim 25.

Specifically, independent claim 25 recites:

25. A system of demand and capacity management, comprising:  
an allocation planning module to receive demand data for a demand of at least one product requested by at least one customer and supply data corresponding to production capacity of the factory facilities;  
**a capacity model having route information for the product, wherein the route information records a plurality of tools;** and  
a capacity management module to reserve capacity according to the demand data and the route information.

*(Emphasis added)*. Claim 25 patently defines over the cited art for at least the reason that the cited art fails to disclose the features emphasized above.

Applicant notes that, to one of ordinary skill in the art, neither ‘leading to predictive supply chain decisions’ (Menninger, col. 17, lines 50-53) nor ‘a first set of data collected from a plurality of stores of the supply chain utilizing a network (Menninger, col. 17, 58-60) has anything relevant to do with the claimed “capacity model having route information for the product, wherein the route information records a plurality of tools” of claim 25. For at least this reason, the rejection of claim 25 should be withdrawn.

The Office Action states that Menninger teaches the “capacity management module” of claim 25 in col. 129, lines 29-31 and col. 17, lines 60-67. However, according to the cited paragraphs, a second set of data is compared against the forecasting in operation 1136, wherein the second set of data relates to the amount of goods sold by the stores.

To one of ordinary skill in the art, ‘comparing the amount of goods sold by the stores against a forecasting’ has nothing relevant to do with “reserving production

capacity of the factory facilities according to the demand data and the route information” of claim 25.

For at least these reasons, teachings of Kaneko and Menninger do not suggest all features of the claim 25 to one of ordinary skill in the art. Accordingly, the rejection of claim 25 should be withdrawn. As claims 26-33 depend from claim 25, the rejections of these claims should be withdrawn for at least the same reasons.

### **CONCLUSION**

In light of the above remarks having been addressed, it is therefore respectfully requested that claims 1-33 be allowed so that the entire case may be passed to early issuance. If there are any remaining issues to be resolved, Applicants request that Examiner contacts the undersigned attorney for a telephone interview.

No fee is believed to be due in connection with this submission. If, however, any fee is believed to be due, you are hereby authorized to charge any such fee to deposit account No. 20-0778.

Respectfully submitted,

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